

ASSEMBLY BILL

No. 1838

Introduced by Assembly Member Bonilla

February 18, 2014

An act to amend Section 901 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, as introduced, Bonilla. Healing arts: exemption from licensure.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law, until January 1, 2018, provides an exemption from the licensure requirement for a health care practitioner licensed or certified and in good standing in another state, district, or territory of the United States, when certain requirements are satisfied and health care services are provided under specified circumstances, including that the health care services are provided to uninsured or underinsured persons at a sponsored event not exceeding 10 days.

This bill would increase the period during which a health care practitioner is exempt from licensure pursuant to these provisions from 10 days to 15 days.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 901 of the Business and Professions Code
- 2 is amended to read:

1 901. (a) For purposes of this section, the following provisions
2 apply:

3 (1) “Board” means the applicable healing arts board, under this
4 division or an initiative act referred to in this division, responsible
5 for the licensure or regulation in this state of the respective health
6 care practitioners.

7 (2) “Health care practitioner” means any person who engages
8 in acts that are subject to licensure or regulation under this division
9 or under any initiative act referred to in this division.

10 (3) “Sponsored event” means an event, not to exceed ~~10~~ 15
11 calendar days, administered by either a sponsoring entity or a local
12 government, or both, through which health care is provided to the
13 public without compensation to the health care practitioner.

14 (4) “Sponsoring entity” means a nonprofit organization
15 organized pursuant to Section 501(c)(3) of the Internal Revenue
16 Code or a community-based organization.

17 (5) “Uninsured or underinsured person” means a person who
18 does not have health care coverage, including private coverage or
19 coverage through a program funded in whole or in part by a
20 governmental entity, or a person who has health care coverage,
21 but the coverage is not adequate to obtain those health care services
22 offered by the health care practitioner under this section.

23 (b) A health care practitioner licensed or certified in good
24 standing in another state, district, or territory of the United States
25 who offers or provides health care services for which he or she is
26 licensed or certified is exempt from the requirement for licensure
27 if all of the following requirements are met:

28 (1) Prior to providing those services, he or she does all of the
29 following:

30 (A) Obtains authorization from the board to participate in the
31 sponsored event after submitting to the board a copy of his or her
32 valid license or certificate from each state in which he or she holds
33 licensure or certification and a photographic identification issued
34 by one of the states in which he or she holds licensure or
35 certification. The board shall notify the sponsoring entity, within
36 20 calendar days of receiving a request for authorization, whether
37 that request is approved or denied, provided that, if the board
38 receives a request for authorization less than 20 days prior to the
39 date of the sponsored event, the board shall make reasonable efforts

1 to notify the sponsoring entity whether that request is approved or
2 denied prior to the date of that sponsored event.

3 (B) Satisfies the following requirements:

4 (i) The health care practitioner has not committed any act or
5 been convicted of a crime constituting grounds for denial of
6 licensure or registration under Section 480 and is in good standing
7 in each state in which he or she holds licensure or certification.

8 (ii) The health care practitioner has the appropriate education
9 and experience to participate in a sponsored event, as determined
10 by the board.

11 (iii) The health care practitioner shall agree to comply with all
12 applicable practice requirements set forth in this division and the
13 regulations adopted pursuant to this division.

14 (C) Submits to the board, on a form prescribed by the board, a
15 request for authorization to practice without a license, and pays a
16 fee, in an amount determined by the board by regulation, which
17 shall be available, upon appropriation, to cover the cost of
18 developing the authorization process and processing the request.

19 (2) The services are provided under all of the following
20 circumstances:

21 (A) To uninsured or underinsured persons.

22 (B) On a short-term voluntary basis, not to exceed a
23 ~~10-calendar-day~~ 15-calendar-day period per sponsored event.

24 (C) In association with a sponsoring entity that complies with
25 subdivision (d).

26 (D) Without charge to the recipient or to a third party on behalf
27 of the recipient.

28 (c) The board may deny a health care practitioner authorization
29 to practice without a license if the health care practitioner fails to
30 comply with this section or for any act that would be grounds for
31 denial of an application for licensure.

32 (d) A sponsoring entity seeking to provide, or arrange for the
33 provision of, health care services under this section shall do both
34 of the following:

35 (1) Register with each applicable board under this division for
36 which an out-of-state health care practitioner is participating in
37 the sponsored event by completing a registration form that shall
38 include all of the following:

39 (A) The name of the sponsoring entity.

1 (B) The name of the principal individual or individuals who are
2 the officers or organizational officials responsible for the operation
3 of the sponsoring entity.

4 (C) The address, including street, city, ZIP Code, and county,
5 of the sponsoring entity's principal office and each individual listed
6 pursuant to subparagraph (B).

7 (D) The telephone number for the principal office of the
8 sponsoring entity and each individual listed pursuant to
9 subparagraph (B).

10 (E) Any additional information required by the board.

11 (2) Provide the information listed in paragraph (1) to the county
12 health department of the county in which the health care services
13 will be provided, along with any additional information that may
14 be required by that department.

15 (e) The sponsoring entity shall notify the board and the county
16 health department described in paragraph (2) of subdivision (d) in
17 writing of any change to the information required under subdivision
18 (d) within 30 calendar days of the change.

19 (f) Within 15 calendar days of the provision of health care
20 services pursuant to this section, the sponsoring entity shall file a
21 report with the board and the county health department of the
22 county in which the health care services were provided. This report
23 shall contain the date, place, type, and general description of the
24 care provided, along with a listing of the health care practitioners
25 who participated in providing that care.

26 (g) The sponsoring entity shall maintain a list of health care
27 practitioners associated with the provision of health care services
28 under this section. The sponsoring entity shall maintain a copy of
29 each health care practitioner's current license or certification and
30 shall require each health care practitioner to attest in writing that
31 his or her license or certificate is not suspended or revoked pursuant
32 to disciplinary proceedings in any jurisdiction. The sponsoring
33 entity shall maintain these records for a period of at least five years
34 following the provision of health care services under this section
35 and shall, upon request, furnish those records to the board or any
36 county health department.

37 (h) A contract of liability insurance issued, amended, or renewed
38 in this state on or after January 1, 2011, shall not exclude coverage
39 of a health care practitioner or a sponsoring entity that provides,
40 or arranges for the provision of, health care services under this

1 section, provided that the practitioner or entity complies with this
2 section.

3 (i) Subdivision (b) shall not be construed to authorize a health
4 care practitioner to render care outside the scope of practice
5 authorized by his or her license or certificate or this division.

6 (j) (1) The board may terminate authorization for a health care
7 practitioner to provide health care services pursuant to this section
8 for failure to comply with this section, any applicable practice
9 requirement set forth in this division, any regulations adopted
10 pursuant to this division, or for any act that would be grounds for
11 discipline if done by a licensee of that board.

12 (2) The board shall provide both the sponsoring entity and the
13 health care practitioner with a written notice of termination
14 including the basis for that termination. The health care practitioner
15 may, within 30 days after the date of the receipt of notice of
16 termination, file a written appeal to the board. The appeal shall
17 include any documentation the health care practitioner wishes to
18 present to the board.

19 (3) A health care practitioner whose authorization to provide
20 health care services pursuant to this section has been terminated
21 shall not provide health care services pursuant to this section unless
22 and until a subsequent request for authorization has been approved
23 by the board. A health care practitioner who provides health care
24 services in violation of this paragraph shall be deemed to be
25 practicing health care in violation of the applicable provisions of
26 this division, and be subject to any applicable administrative, civil,
27 or criminal fines, penalties, and other sanctions provided in this
28 division.

29 (k) The provisions of this section are severable. If any provision
30 of this section or its application is held invalid, that invalidity shall
31 not affect other provisions or applications that can be given effect
32 without the invalid provision or application.

33 (l) This section shall remain in effect only until January 1, 2018,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2018, deletes or extends that date.